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SUBJECT: INSTRUCTIONS:VOTE 'NO' ON UNGA RESOLUTION RE:  
GOLDSTONE FOLLOW-UP

REF: MASILKO - BASS EMAIL 02/24/10 18.04

¶1. The Department authorizes USDEL to call for a vote and vote "no" and to deliver the Explanation of Vote in paragraph 2 on the resolution entitled "Follow-up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict" provided the resolution text does not change significantly from the wording contained in REF.

¶2. The United States remains deeply concerned about the pain and suffering endured by both Palestinians and Israelis. We continue to believe that the best solution is to achieve a comprehensive peace in the region, including two states, Israel and Palestine, living side by side in peace and security. There is no substitute for direct negotiations between the parties leading to the creation of a Palestinian state, and we should all be working to advance the cause of peace-not to hinder it.

We also strongly support accountability for any human rights and humanitarian law violations in relation to the Gaza conflict. Our goal in this regard remains to have domestic authorities carry out thorough, independent, and credible investigations of allegations of such violations. We must also safeguard the ongoing efforts to restart permanent status negotiations between Israel and the Palestinians. In this regard, we note Israel's submission of a detailed 46-page report to the Secretary-General providing information on its domestic investigations, and we note that the Palestinian Authority has recently established an Independent Investigative Commission. The issues raised by this resolution that are related to last year's conflict in Gaza should be resolved by credible domestic investigations and their follow-up.

We continue to believe that the Report of the UN Fact-Finding Mission on the Gaza Conflict, widely known as the Goldstone Report, is deeply flawed. We have previously noted shortcomings that include its unbalanced focus on Israel, the negative inferences it draws about Israel's intentions and actions, its failure to deal adequately with the asymmetrical nature of the Gaza conflict, and its failure to assign appropriate responsibility to Hamas for deliberately targeting civilians and basing itself and its operations in heavily civilian-populated urban areas. The Goldstone Report is also problematic in its many overreaching recommendations and its sweeping legal and political conclusions. The Report contains, as does the resolution just voted, a counterproductive recommendation to convene the High Contracting Parties to the Fourth Geneva Convention and an inappropriate attempt to press action on the Security Council.

The resolution we have just voted reflects several of the same problems as the predecessor it recalls. For these reasons, we voted against the resolution.  
CLINTON